

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JODY KIRBIE-OROZCO,)	CIV. 09-4104-KES
)	
Plaintiff,)	
)	
vs.)	
)	
YANKTON SIOUX TRIBE ELECTION)	ORDER DENYING MOTION
BOARD and)	FOR A TEMPORARY
YANKTON SIOUX TRIBE BUSINESS)	RESTRAINING ORDER AND
AND CLAIMS COMMITTEE,)	DISMISSING CASE
)	
Defendants.)	

A complaint and motion for a temporary restraining order were filed in the above-captioned case. Docket 1. Regarding the temporary restraining order, plaintiff Jody Kirbie-Orozco is asking the court to “stop [the] Yankton Sioux Tribe election process,” beginning with the primary scheduled for July 23, 2009. The complaint also asks the court to intervene in the tribal election to permit her to run for Tribal Chairperson.

In each case, a court has an obligation to determine its jurisdiction. The court finds that it possesses no subject matter jurisdiction over this intra-tribal matter. In re Sac & Fox Tribe of Mississippi in Iowa / Meskwaki Casino Litigation, 340 F.3d 749, 763-64 (8th Cir. 2003); Runs After v. United States, 766 F.2d 347, 352 (8th Cir. 1985); see also Cohen’s Handbook of Federal Indian Law § 406[1][b][ii] (Nell Jessup Newton, ed.) 2005. Therefore, it is hereby

ORDERED that plaintiff’s motion for leave to proceed in forma pauperis is granted.

IT IS FURTHER ORDERED that plaintiff's motion for a temporary restraining order (Docket 4) is denied.

IT IS FURTHER ORDERED that this case is dismissed for lack of subject matter jurisdiction.

Dated July 15, 2009.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE